

In the
Supreme Court of Ohio

STATE OF OHIO ex rel. Michael T.
McKibben, an Ohio Citizen

Relator,

vs.

OHIO ETHICS COMMISSION,
MICHAEL V. DRAKE,
Ohio Public Servants,

Respondents.

Case No. 2015-1472

Original Action in Mandamus

SECOND AMENDED COMPLAINT FOR WRIT OF MANDAMUS

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Pursuant to Section 2(B)(1)(b), Article IV of the Ohio Constitution; Ohio Revised Codes 2731.02, 2731.04, 102.02, 149.43; Ohio Rules of Civil Procedure 12(B)(1), 12(B)(2), 12(B)(6); and Supreme Court Practice Rule 12.04(A)(1); Relator moves the Court to grant this requested Writ of Mandamus against Respondents for the reasons fully set forth herein.

Respectfully submitted,

/S/ Michael T. McKibben

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RELATOR, PRO SE

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- B.** Michael V. Drake, Form No. OEC-2013, Financial Disclosure Statement, submitted to the Ohio Ethics Commission, September 29, 2014. As provided by the Ohio Ethics Commission to Relator on Oct. 26, 2015 in Respondent Ohio Ethics Commission’s Motion to Dismiss Relator’s First Amended Complaint for Writ of Mandamus and Memorandum of Support, Exhibit A. Only Oct. 26, 2015 cover letter from Stacy Hysell and Exhibit A included here.
- C.** BancWest Investment Services. Corporate Website. Accessed ca. Oct. 11, 2014. <https://www.bankofthewest.com/personal-banking/investments/mutual-fund-center.html>
- D.** Bruns, Molly J. (Jun. 08, 2015). RE: Status of Michael V. Drake ethics inquiry? Ohio Ethics Commission.

- E.** Wadlington, R. (Jun. 26, 2015). Re. Public Records Request # 15-130 (CID # 1075870). Mike DeWine, Ohio Attorney General.

- F.** Crocker, Melissa. (Aug. 28, 2015). Subject: Sunshine Audit. Ohio Auditor of State Dave Yost; Notice to Parties (McKibben, M., Bruns, M.). (August 28, 2015). Sunshine Audit Complaint. David Yost, Ohio Auditor of State.

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SECOND AMENDED COMPLAINT
FOR WRIT OF MANDAMUS

Introduction

Ohio Public Servant Michael V. Drake, MD (“Drake” or “Michael Drake”) did not disclose his mutual funds and related financial information in his Ohio Ethics Commission (“OEC” or “Commission”) OEC-2013 Financial Disclosure (“OEC-2013 Disclosure,” “Financial Disclosure” or “Disclosure”). Despite this failure, three public offices each claim that they are not the appropriate agency to order Drake to file a proper disclosure.

Rather, each office claims that Relator has somehow failed to thread the regulatory needle of “mandamus.” Despite the obscure name, mandamus is a clear concept—**order a public servant do his duty**. Relator has indeed pursued all the avenues recommended by the very offices who now claim that Relator has not.

So far, lost in a blizzard of legalese, is the fact that the current Ohio State University president, Michael Drake, has an *affirmative duty* to provide a complete financial disclosure. The principle here is transparency. The Ohio Assembly did not intend Chapter 102—Ohio Ethics Law to devolve into a game of bureaucratic hide and seek. The law was intended to promote *openness* from public officials, not force the public to waste valuable time, energy and treasure chipping away at bureaucratic ice blocks.

Relator simply asks for *full disclosure*. Unconscionably, on Nov. 7, 2015, Ohio State just gave Drake a \$200,000 raise in the midst of his evident obfuscation here.¹ Something appears to be amiss. Ohio citizens have a right to rely on their public servants

¹ Edwards, M. (Nov. 7, 2015). Ohio State trustees reward Drake with raise, \$200,000 bonus. *The Columbus Dispatch*.

to protect the public's interests, and not merely shield their recalcitrant fellow officers from accountability by interminable motion practice.

On Sep. 29, 2014, Michael V. Drake, incoming president of The Ohio State University, submitted an OEC-2013 Disclosure. The disclosure contains numerous troubling facts and omissions that could result in contingent liabilities that should be available to the Ohio public for scrutiny.

For example, Drake disclosed a relationship with **James V. Mazzo**. Just four days before Drake's OEC-2013 Disclosure, Mazzo was indicted on 13 counts of insider trading in a medical company. Mazzo was a U.C. Irvine trustee. Given Drake's promises to bring new business to the Ohio State Medical School, disclosure of Mazzo's financial improprieties is certainly relevant. Drake also disclosed a relationship with **Hazem Chehabi, MD**. Chehabi was another U.C. Irvine trustee who donated \$1 million to U.C. Irvine while Drake was chancellor. Chehabi is a close associate of Syrian mass-murderer **Bashir Al-Assad**. Drake's defense of the Chehabi donation and relationship raises the specter of more financial improprieties.

As a further example, Drake disclosed a relationship with venture capitalist **Charles D. Martin**. Martin has a plethora of insider relationships with companies close to Ohio State and Ohio State trustee president, **Jeffrey Wadsworth**, and his company, **Battelle Memorial Institute**. The specter of financial improprieties looms large with the Martin relationship and deserve serious scrutiny by the Ohio public.²

² See First Amended Complaint for Writ of Mandamus, pp. 22-29.

Drake also failed to disclose contingent liabilities in a **University of California Irvine fertility clinic scandal** and cover-up in which eggs and embryos from over 300 victims were sold to third parties and likely resulted in live births.

Michael Drake also failed to disclose his mutual fund holdings. Instead, he merely disclosed his broker/investment advisor, Bank of the West. Equally troubling, the Commission just submitted a *different* version of Drake’s disclosure containing redactions that were not contained in the version provided previously to Relator.³

Given the sheer number of improprieties here, where there is smoke, fire is likely.

According to the Ohio Attorney General (“Attorney General”), the Commission is the exclusive manager of some 11,000 financial disclosures submitted annually by current and prospective Ohio public servants.⁴

Relator asked the Commission to provide the missing information. The Commission recommended that Relator file a complaint to the Commission, which Relator did on October 20, 2014.⁵

After considerable time and follow up, the Commission told Relator that Michael Drake did not provide the mutual fund information requested—even though the Commission instructions clearly require that detail.⁶

On Jun. 8, 2015, the Commission recommended that Relator file complaints with the Attorney General and the Auditor of State. Exhibit D.

³ See Table 1.

⁴ Respondent Ohio Ethics Commission’s Motion to Dismiss Relator’s First Amended Complaint for Writ of Mandamus and Memorandum of Support (“OEC Motion”), pp. 7, 8.

⁵ Complaint, (V). Specific Allegations, (I) Michael V. Drake, Financial, Attachment, Ohio Ethics Commission; See Ex. R, First Amended Complaint for Writ of Mandamus.

⁶ OEC Opinion No. 2011-01, p. 6.

Following the Commission's recommendation, Relator sent complaints to the Attorney General and Auditor of State.

On Jun. 26, 2015, the Attorney General referred the matter to the Education Section of his office who did not follow up. Exhibit E.

On Aug. 28, 2015, the Auditor of State responded and included mandamus as a remedy. Exhibit E, ¶2 ("may file a mandamus lawsuit").

Since Relator was not familiar with mandamus, he consulted the Attorney General's office for guidance. The Attorney General states:

"These cases may be filed in the Franklin County Court of Common Pleas, or the Franklin County Court of Appeals, or directly with the Ohio Supreme Court."⁷

Michael Drake occupies a public office and has an affirmative duty to follow Ohio law, irrespective of whether or not the Ethics Commission, Attorney General or State Auditor force him to or not.

When an Ohio citizen makes a good faith effort to contact the appropriate agency regarding an ethics request, and when he follows their instructions, then those agencies have an affirmative duty to get the request to the right place, without bogging down the process in legalese. That is not the purpose or spirit of the Ohio Sunshine Laws.

Relator asked three different agencies for assistance before filing this Petition: (1) Ohio Ethics Commission, (2) Ohio Attorney General, and (3) Ohio Auditor of State. Therefore, Relator's pursuit of "lower remedies" first is obvious.

⁷ Mandamus Actions (Accessed Nov. 08, 2015). Ohio Attorney General [Agency website]. <http://www.ohioattorneygeneral.gov/About-AG/Service-Divisions/Workers-Compensation/Mandamus-Actions>.

The opening sentence of the Attorney General's Ohio Sunshine Laws 2015

states:⁸

“My number one priority as Attorney General is to protect Ohio families.”

The Attorney General quotes Founder John Adams:

“Liberty cannot be preserved without a general knowledge among the people, who have a right and a desire to know; but besides this, they have a right, an indisputable, divine right to that most dreaded and envied kind of knowledge, I mean of the character and conduct of their rulers.” (Emphasis added).

According to John Adams, and confirmed by the Attorney General, **Ohio citizens have a divine right to know the character of Michael Drake as president of The Ohio State University**. This overarching founding principle should not be lost in a blizzard of bureaucratic legalese that appears to be obscuring the intent of the Ohio Assembly.

Indeed, no Ohio citizen can survive a phalanx of attorneys on the public's payroll who are intent on burying simple requests in mountains of red tape. This is especially true with financial disclosures where the public has a vital interest in assessing actual and potential conflicts of interest.

⁸ Ohio Sunshine Laws 2015. Mike DeWine, Ohio Attorney General. Ohio Auditor of State. Accessed Nov. 09, 2015, pp. ii, iv. <https://ohioauditor.gov/publications/15SunshineManual.pdf>.

SECOND AMENDED COMPLAINT

1. Relator hereby amends the First Amended Complaint as a matter of right. *See State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs.* (1992), 1992-Ohio-73, Ohio St.3d (Relator is entitled under Civ.R. 15(A) to amend his complaint because a motion to dismiss is not a responsive pleading; also, Mandamus - Civ.R. 12(B)(6) motion to dismiss improperly used by court when court uses the motion to summarily review the merits of relator's claim and to prematurely dispose of the case.).

2. Relator respectfully asks this Court to order Michael Drake to provide a proper OEC-2013 financial disclosure, as is his duty as an Ohio public servant.

3. In the Commission's Motion to Dismiss, Respondent included a copy of the Drake OEC-2013 disclosure ostensibly supplied to Relator. However, this copy of the key evidence **is not the document supplied to Relator**, as shown below.

4. On Oct. 6, 2014, Relator received the file named "Drake Michael – 2013.pdf" from Eric Bruce, Ohio Ethics Commission Customer Service Representative, Eric.Bruce@ethics.state.oh.us. Exhibit A.

5. On Oct. 27, 2015, the Ohio Ethics Commission presented Michael Drake's OEC-2013 Financial Disclosure as Exhibit A. Exhibit B.

6. The original Commission response, provided to Relator over a year ago, did not contain any redactions, redaction markings or explanations for redaction markings. Exh. A.

7. However, the *new* Drake OEC-2013 Disclosure submitted by the Commission contains redactions that **were not included** in the original production to Relator a year ago, and as importantly, the new redactions **do not explain** the reason for

the redactions pursuant to this Court’s requirement. Exh. B; *See also Mahajan, sub* (“burden to establish the applicability of an exception”). For example, *see* Table 1 below.

Michael V. Drake OEC-2013 Financial Disclosure:

(a) Oct. 06, 2014

Provided to Relator by the Ohio Ethics Commission

See Exhibit A.

... a year later

(b) Oct. 27, 2015

Submitted as Exhibit A by Respondent Ohio Ethics Commission.

See Exhibit B.

Table 1: Two versions of the Michael V. Drake OEC-2014 Financial Disclosure: (a) **October 6, 2014** version provide by the Ohio Ethics Commission to Relator, (b) **Oct. 27, 2015** version submitted by the Commission. *See* Exhs. A, B.

8. This conflicting evidence between the Oct. 06, 2014 and the Oct. 27, 2015 Michael V. Drake OEC-2013 Disclosures submitted by the Commission should prevent any further motions to dismiss by Respondents. Such motions cannot be granted when such key evidence from the Commission is rendered ambiguous by the agency's own hand. *See* Tables 1(a) and (b).

9. It is well settled law that “when a party files a motion to dismiss for failure to state a claim, all the factual allegations of the complaint must be taken as true and all reasonable inferences must be drawn in favor of the nonmoving party.” *Byrd v. Faber* (1991), 57 Ohio St.3d 56, 60, 565 N.E.2d 584, citing *Mitchell v. Lawson Milk* (1988), 30 Ohio St.3d 190, 192, 532 N.E.2d 753; cited in *Allstate Ins. Co. v. Electrolux Home Prods., Inc.*, 2012-Ohio-90.

10. Michael T. McKibben (“McKibben” or “Michael McKibben”) is a citizen of the State of Ohio and a resident of Franklin County, Ohio.

11. Michael V. Drake, upon information and belief, is a citizen of the State of Ohio and a resident of Franklin County, Ohio.

12. The Ohio Ethics Commission was established as part of the Ohio Ethics Law in 1973. The Commission has jurisdiction over Ohio's Executive Branch that is for all public officials and employees at the state and local levels of government, except legislators, judges, and their staffs.

13. On October 10, 2014, Relator received a copy of Michael Drake's OEC-2013 Financial Disclosure. Exhibit A.

14. Drake disclosed “Bank of the West Investment / Mutual Funds,” “Bank of the West Mutual Fund/Investment Account” and “Bank of the West IRA” as sources of income and investments. *See* Table 2(a) below.

15. Drake introduced ambiguity by disclosing “Mutual Funds” (plural) in Sec. 1 and “Mutual Fund” (singular) in Sec. 8 without explaining the obvious contradiction. This ambiguity, too, should disqualify further motions to dismiss. *Id.*

16. Rather than disclose his mutual fund holdings as instructed by OEC Advisory Opinion No. 2011-01, Michael Drake disclosed “Bank of the West” as his mutual fund broker/investment adviser, and where he is/was a director. Exhs. A, B, pp. 4, 8.

(a) What Michael V. Drake disclosed.

OEC-2013, Sec. 1:

“Bank of the West Investment / Mutual Funds”

See Exhs. A, B, pp. 4

1. SOURCES OF INCOME - ALL FILERS MUST ANSWER THIS QUESTION: (For help, see instructions page 4)

I have no sources of income that I am required to list.

Source of Income	Service Provided	Amount
A Bank of the West	Savings and checking accounts-interest	
B Bank of the West IRA	Retirement savings	
C Bank of the West Investment / Mutual Funds	Retirement savings	
D Wells Fargo	Savings and checking accounts-interest	less than \$50
E University of California-Irvine	Employment-Chancellor	
F See attached State of California Form 700		

OEC-2013, Sec. 8:

“Bank of the West Mutual Fund/Investment Account”

See Exhs. A, B, pp. 5.

8. INVESTMENTS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION: (For help, see instructions page 6 and 7)

I have no investments that I am required to list.

Corporation, Trust, Business Trust, Partnership, or Association	Nature of Investment
A Bank of the West Mutual Fund/Investment Account	Retirement
B Bank of the West IRA	Retirement
C	
D	
E	
F	

IF YOU NEED ADDITIONAL SPACE, PLEASE ATTACH A SEPARATE SHEET.

(b) What Michael V. Drake was instructed to disclose.

OEC-2013, Sec. 8 instructions
 OEC-2013, Sec. 8 instructions

8. INVESTMENTS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6 and 7)

QUESTION 8—INVESTMENTS:

[For more information, check out FAQs on Investments](#) and [Advisory Opinion No. 2011-01](#)

(c) What Michael V. Drake failed to disclose.

OEC Opinion No. 2011-01, p. 4:

"A filer is required to disclose investments he or she makes **and those made by any other person for the filer's use and benefit**

... filer is required to disclose the qualifying business that manages the investment account *and* the individual stocks, bonds, mutual funds, and other investments that are held in his or her brokerage account" (emphases in original)."

Opinion No. 2011-01
 January 13, 2011
 Page 6

Examples of Investments Disclosure on Financial Disclosure Statement

	CORPORATION, ETC.	<i>Nature of Investment</i>
A	Microsoft Corporation	Stock
B	General Electric Company	Stock
C	West Coast Energy	Corporate Bond
D	Northern Mid Cap Growth Stock Fund	Mutual Fund
E	Eaton Value Floating Rate Advantage Bond Fund	Mutual Fund
F	Wells Fargo Brokerage Company	Brokerage Account
G	Westwood One, Inc.	Stock [Held in Wells Fargo Account] [†]
H	Merrill Lynch	Brokerage Account
I	Fidelity Investment Grade Bond Fund	Corporate Bond [Held in Merrill Lynch Account] [†]
J	E*Trade	Brokerage Account
K	Janus Overseas	Mutual Fund [Held in E*Trade Account] [†]
L	Johnson Family Trust	Beneficiary
M	Muscato Group, Inc.	Common Stock [Held by Johnson Family Trust] [†]
N	Simon Property Group	Real estate investment trust
O	Verizon, Inc.	Stock [Held in Jones Investment Club] [†]
P	Oppenheimer Developing Markets	Mutual Fund [Held in Jones Investment Club] [†]
Q	ING Small Company Fund	Mutual Fund in BlackRock CollegeAdvantage 529 Plan
R	GE Institutional International Equity (Fund) Option	Mutual Fund in CollegeAdvantage 529 Plan
S	Mosaic Equity Trust Mid-Cap Fund	Mutual Fund in Coverdale ESA Plan

Table 2: Discrepancies between what Michael V. Drake disclosed and what he was instructed to disclose in OEC-2013.

17. While Bank of the West *per se* does not have a mutual fund, they have a wholly-owned subsidiary, BancWest Investment Services, whose website states:

“BancWest Investment Services is a wholly owned [sic] subsidiary of Bank of the West and a part of the Wealth Management Group. BancWest Corporation is the holding company for Bank of the West. BancWest Corporation is a wholly owned subsidiary of BNP Paribas.” Exh. C, p. 7.

18. Bank of the West’s BancWest Investment Services website provides:

“[c]onvenient access to online tools to help you make informed decisions . . . [to] [i]dentify the right funds for your portfolio” and “[s]elect fund by asset class to meet your investment objectives” and “[r]eview our current list of fund families.” Exh. C, p. 2.

19. Bank of the West’s BancWest Investment Services website states:

“We have an extensive list of no-load mutual funds from a variety of fund families.” *Id.*

20. Bank of the West’s BancWest Investment Services website lists 112

“**Mutual Fund Families**” from which customers can manage as a “**Self-Directed Investor**” and/or “**Advisor-Assisted Investor**.” Exh. C, pp. 4, 8.

21. Bank of the West’s BancWest Investment Services website emphasizes:

“Whether you like to do your own online investing or prefer the guidance of an experienced professional, BancWest Investment Services offers a wide range of options to help you achieve your financial goals.” Exh. C, p. 8.

22. Bank of the West’s BancWest Investment Services investors can

“**execute your own trades**.” *Id.*

23. A mutual fund broker or investment adviser is a third party middleman and is distinct from the mutual fund being managed. According to the Investment Advisor Act of 1940.⁹

24. Michael Drake has not disclosed his mutual fund holdings pursuant to his affirmative duty under O.R.C. Chapter 102.

⁹ Investment Advisor Act of 1940, § 202, p. 3. <https://www.sec.gov/about/laws/iaa40.pdf>.

25. Neither has Michael Drake *differentiated* between self-directed and advisor-assisted holdings.

26. Michael Drake at least has a duty to disclose self-directed holdings since he is not merely an arms-length investor, but rather actively participates and has an interest in the stock he selects within those mutual funds.

27. In summary, Michael Drake failed to: (1) disclose his mutual fund holdings, (2) distinguish his Self-Directed mutual funds, and (3) disclose the stock portfolios in his Self-Directed mutual funds where he has a **direct interest** in the stocks he selects. It is insufficient for a filer to merely disclose the names of Self-Directed mutual funds since the investor's interest in the stock companies selected in funds is direct and not arm's length.

Law and Argument

28. O.R.C. 102.02, the Ohio Ethics Law, establishes a standard of conduct for all public officers and employees within the State and prohibits them from using their official positions to benefit their private interests or the interests of others with whom they hold certain business or personal relationships.

29. O.R.C. 102.02(A)(2)(b)(i) clearly states:

“(2) The disclosure statement shall include all of the following:

. . .

(i) . . . **identification of every source of income**” (Emphasis added.)

The statute does not exempt the mutual funds.

30. OEC Advisory Opinion No. 2011-01 (“Advisory”), p. 3 states:

“filer . . . **must disclose the mutual fund** on his or her financial disclosure statement.”

“Stocks, bonds, mutual funds, and other investments can be purchased individually or through other investment vehicles such as brokerage or managed accounts and trusts. Even though the

investments within these accounts are managed by a company or advisor, **the account holder has a financial interest in the investments.**” (Emphases added).

31. OEC Advisory Opinion No. 2011-01, p. 3, 4 states:

“[A] person who invests in a mutual fund owns shares of the mutual fund, and does not have a direct ownership interest in the holding within the fund, the filer is not required to disclose the holding within the fund as investments.”

“A filer is required to disclose investments he or she makes **and those made by any other person for the filer's use and benefit.**”

“. . . filer is required to disclose the qualifying business that manages the investment account *and* the individual stocks, bonds, mutual funds, and other investments that are held in his or her brokerage account” (emphases in original).”

32. At best, the Advisory only exempts *advisor-assisted investors* in which the filer “does not have a direct ownership interest in the holding within the fund.” *Supra*. However, the Advisory **does not exempt** *self-directed investors* since the investor then has a direct ownership interest in particular portfolio stocks selected by the investor in their mutual funds.

33. This Court has emphasized many times that “[w]e construe the Public Records Act liberally in favor of broad access and resolve any doubt in favor of disclosure of public records.” *State ex rel. Rocker v. Guernsey Cty. Sheriff's Office*, 126 Ohio St.3d 224, 2010-Ohio-3288, 932 N.E.2d 327, ¶ 6.

34. Michael Drake occupies a public office. The requested records generally constitute records for purposes of R.C. 149.43 insofar as they “document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.” R.C. 149.011(G).” *State ex rel. Mahajan v. State Med. Bd. of Ohio*, 127 Ohio St.3d 497 (2010); 2010-Ohio-5995, ¶¶ 22, 23.

35. Redacted and exempted records claims, as just submitted by the Commission, “are strictly construed against the public-records custodian, and the custodian has the burden to establish the applicability of an exception.” *State ex rel. Cincinnati Enquirer v. Jones-Kelley*, 118 Ohio St.3d 81, 2008-Ohio-1770, 886 N.E.2d 206, paragraph two of the syllabus; cited in *Mahajan*, ¶24.

36. Detailed self-directed investment notwithstanding, Drake is nonetheless required to disclose his mutual fund holdings.

37. This Court stated in *Ohio State University v. Kinkaid*, 48 Ohio St. 3d 78, 80 (1990):

“[T]he object of interpreting a statute is to ascertain and give effect to the intent of the General Assembly.”

38. This Court stated in *City of Mentor v. Giordano*, 9 Ohio St. 2d 140, 144 (1967) that ethics statutes:

"[M]ust be construed in light of the mischief they are designed to combat."

REQUEST FOR RELIEF

WHEREFORE, Relator respectfully requests that this Court order Michael V. Drake to provide a fully compliant OEC-2013 that includes full and complete disclosure of his mutual funds and other actual and potential conflicts of interest as required by Ohio law.

WHEREFORE, Relator requests all fees, costs, expenses and any other remedies that this Court deems fair and just in preparing this petition.

November 10, 2015

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Counsels for RESPONDENTS

Respectfully submitted,

/S/ Michael T. McKibben

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RELATOR, PRO SE

CERTIFICATE OF SERVICE

I hereby certify that on Nov. 10, 2015, the attached SECOND AMENDED COMPLAINT FOR WRIT OF MANDAMUS to Respondents Michael V. Drake and Ohio Ethics Commission via counsels Michael J. Hendershot and Hillary R. Damaser via regular U.S. mail and email to Michael.Hendershot@ohioattorneygeneral.gov and Hilary.Damaser@ohioattornegenera.gov.

/S/ Michael T. McKibben

Michael T. McKibben, Relator, *Pro Se*

Exhibit A

Michael V. Drake, Form No. OEC-2013, Financial Disclosure Statement, submitted to the Ohio Ethics Commission, September 29, 2014.

As provided to Michael T. McKibben on Oct. 06, 2014.

Michael T. McKibben

From: Bruce, Eric <Eric.Bruce@ethics.state.oh.us>
Sent: Friday, 10 October, 2014 4:42 PM
To: mmckibben@leader.com
Subject: RE: Public Records Request (Generated from Web Site)
Attachments: [REDACTED] Drake, Michael - 2013.pdf; [REDACTED]
[REDACTED]

Follow Up Flag: Follow up
Flag Status: Flagged

Redacted, not relevant

Mr. McKibben,

Your request is being reviewed by the investigations unit. Attached are additional copies of financial disclosure statements, including the newly received and reviewed statement filed by President Michael Drake, whose statement is public, [REDACTED]

Redacted, not relevant

Eric Bruce

Redacted, not relevant



Form No. OEC-2013
OHIO ETHICS COMMISSION
FINANCIAL DISCLOSURE STATEMENT

13

This statement is to be filed in 2014
 Financial information for calendar year 2013

Please type or print clearly. See instructions for assistance with this page.

SECTION A. PERSONAL CONTACT INFORMATION

Last Name: First Name: MI:

SECTION B. STATUS (Check all that apply)

Candidate
 Write-in Candidate
 Elected to an office
 Appointed to an unexpired term in elective office
 Public Official
 Public Employee
 Voluntary Filer

CANDIDATES: Please list the date of the first election (primary, special, or general) when your name will appear on the ballot.

Month	Day	Year
		2014

FOR OFFICIAL USE ONLY

FILED
SEP 29 2014
 OHIO ETHICS COMMISSION

SECTION C. PUBLIC POSITION, OFFICE, OR JOB

Position/Title (Example: council member, sheriff, board member, or job title): Seeking Hold Held

Public Entity you serve in 2014, served in 2013, or will serve if elected:

Public Salary: Uncompensated Less than \$16,000 \$16,000 or more

Start Date:

Month	Day	Year
06	30	2014

 End Date:

Month	Day	Year

SECTION D. ADDITIONAL PUBLIC POSITION, OFFICE, OR JOB

Position/Title (Example: council member, sheriff, board member, or job title): Seeking Hold Held

Public Entity you serve in 2014, served in 2013, or will serve if elected:

Public Salary: Uncompensated Less than \$16,000 \$16,000 or more

Start Date:

Month	Day	Year

 End Date:

Month	Day	Year

RECEIVED
 OHIO ETHICS COMMISSION
 2014 SEP 29 A 10:23

FOR OHIO ETHICS COMMISSION USE ONLY

Walk-in Inter Office No Check
 Rev'd by: JR

Filer has answered every required question.
 Filer has not answered these questions:

Date incomplete form returned to filer: _____
 Date completed form returned to OEC: _____

1. SOURCES OF INCOME - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 4)

I have no sources of income that I am required to list.

Source of Income	Service Provided	Amount
A Bank of the West	Savings and checking accounts-interest	
B Bank of the West IRA	Retirement savings	
C Bank of the West Investment / Mutual Funds	Retirement savings	
D Wells Fargo	Savings and checking accounts-interest	less than \$50
E University of California-Irvine	Employment-Chancellor	
F See attached State of California Form 700		

2. SOURCES OF GIFTS - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 5)

I have no sources of gifts that I am required to list.

Source of Gift	Source of Gift
A See attached State of California Form 700	D
B	E
C	F

3. NAMES OF SPOUSE RESIDING IN HOUSEHOLD AND ANY DEPENDENT CHILDREN - ALL FILERS MUST ANSWER THIS QUESTION:

There are no immediate family members whose names I am required to list.

(For help, see instructions page 5)

Husband/Wife Residing in Household	Dependent Children
Brenda Jackson Drake	
Dependent Children	
N/A	

4. NAMES OF BUSINESSES - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 5)

If you or anyone you listed in Question 3 owns or operates a business, list the name of the business.

There are no business names that I am required to list.

Business Name	Business Name
A	C
B	D

5. LAND (REAL ESTATE) IN OHIO - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6)

I have no real estate that I am required to list.

Land (Real Estate) in Ohio (List address or, if address is unavailable, plat number and county)
A
B
C
You are not required to disclose your personal residence or real property held primarily for personal recreation.

6. CREDITORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6)

I have no creditors that I am required to list.

Creditor	Creditor
A	D
B	E
C	F

7. DEBTORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6)

I have no debtors that I am required to list.

Debtor	Debtor
A	C
B	D

8. INVESTMENTS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6 and 7)

I have no investments that I am required to list.

Corporation, Trust, Business Trust, Partnership, or Association	Nature of Investment
A Bank of the West Mutual Fund/Investment Account	Retirement
B Bank of the West IRA	Retirement
C	
D	
E	
F	
IF YOU NEED ADDITIONAL SPACE, PLEASE ATTACH A SEPARATE SHEET.	

9. OFFICES/FIDUCIARY RELATIONSHIPS - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 7)

I have no offices or fiduciary relationships that I am required to list.

Corporation, Trust, Business Trust, Partnership, or Association	Office or Nature of Relationship
A See attached State of California Form 700 and supplemental list	
B	

SKIP QUESTIONS 10 AND 11 IF YOU ARE A:

- College or university trustee
- Candidate for a city, township, school district, or ESC position that is paid less than \$16,000 a year
- City, township, school district, ESC, or sanitary district official or employee serving in a position that is paid less than \$16,000 a year

10. FOOD OR BEVERAGES - SKIP THIS QUESTION IF LISTED IN BOX ABOVE:

(For help, see instructions page 8)

I have no sources of meals, food, or beverages that I am required to list.

Source of Food or Beverages	Source of Food or Beverages
A	C
B	D

11. TRAVEL EXPENSES - SKIP THIS QUESTION IF LISTED IN BOX ON PAGE 3:

(For help, see instructions page 8)

I have no sources of travel expenses that I am required to list.

Source of Travel Expenses	Amount
A	
B	
C	
D	
E	
F	

12. NON-DISPUTED INFORMATION - ALL state employees, state officials and state board and commission members (except college and university trustees) are REQUIRED to answer Question 12. All other filers should skip this question and go to question 13.

I have no information that I am required to list.

(For help, see instructions page 9)

Non-Disputed Information
A
B

13. SIGNATURE - ALL FILERS MUST SIGN THE STATEMENT:

(For help, see instructions page 9 and 10)

By signing this statement:

- I swear or affirm that this statement and any additional attachments have been prepared or carefully reviewed by me, and constitute my complete, truthful, and correct disclosure of all required information, and that the address listed on page 1 is a correct mailing address.
- I acknowledge and understand that, among other potential violations and penalties, knowingly filing a false statement is a criminal misdemeanor of the first degree, in violation of Sections 102.02(D) and 2921.13(A)(7) of the Revised Code, punishable by a fine of not more than \$1,000, imprisonment of not more than six months, or both.
- I acknowledge and understand that filing a false statement may be grounds for removal from public office or dismissal from public employment pursuant to Sections 3.04 and 124.34 of the Revised Code.
- I acknowledge that, in 2013, I served in, or in 2014, I am serving in or a candidate for, the position indicated on page 1 of this statement.

If you have any questions before signing this form, please contact the Ohio Ethics Commission at (614) 466-7090.

Before signing this statement, please review to make sure that you have answered each question you are required to answer. If you have nothing to list in response to any question, check the box indicating that you have nothing to list. If the response to any required question is omitted, the Commission will return the statement to you as incomplete. **Any person who fails to file a complete statement by the appropriate filing deadline will be assessed a late filing fee and may be subject to criminal penalty.**

Deliver completed statement to: Ohio Ethics Commission, 30 W. Spring St., L3, Columbus, OH 43215

My filing fee is:

(For help, see instructions page 2)

- Enclosed (check or money order payable to "Ohio Ethics Commission")
- Submitted Online
- My public agency is required or has agreed to pay my filing fee.

YOUR SIGNATURE IS REQUIRED HERE:



Date:

9/22/2014

Rev'd 12.30.13

2013 Offices and Fiduciary Relationships

Michael V. Drake, MD

<u>Corporation/Not for Profit</u>		<u>Relationship</u>
Association of American Universities (AAU)		Board Member
Blue Ridge Academic Health Group		Board Member
University of California Global Health Institute		Board Member
California HealthCare Foundation		Board Member
California HealthCare Institute		Board Member
The Commonwealth Fund		Board Member
NCAA Division I		Board Member



STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Date Received

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
Drake Michael V.

1. Office, Agency, or Court

Agency Name (Do not use acronyms)
University of California
Division, Board, Department, District, if applicable
Irvine Campus
Your Position
Chancellor

If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

- State
Multi-County
City of
Judge or Court Commissioner (Statewide Jurisdiction)
County of
Other

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2013, through December 31, 2013.
Leaving Office: Date Left
The period covered is January 1, 2013, through the date of leaving office.
Assuming Office: Date assumed
The period covered is through the date of leaving office.
Candidate: Election year and office sought, if different than Part 1:

4. Schedule Summary

- Check applicable schedules or "None."
Total number of pages including this cover page:
Schedule A-1 - Investments - schedule attached
Schedule C - Income, Loans, & Business Positions - schedule attached
Schedule A-2 - Investments - schedule attached
Schedule D - Income - Gifts - schedule attached
Schedule B - Real Property - schedule attached
Schedule E - Income - Gifts - Travel Payments - schedule attached
None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 4/1/14 (month, day year)

Signature Michael V. Drake (File the originally signed statement with your filing official)

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION Name Michael V. Drake

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
Bank of the West / BancWest

ADDRESS (Business Address Acceptable)
180 Montgomery Street, San Francisco

BUSINESS ACTIVITY, IF ANY, OF SOURCE
banking

YOUR BUSINESS POSITION
Member, Board of Directors

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment Partnership
 Sale of _____
(Real property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more
 Other Board fees
(Describe)

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
California HealthCare Foundation

ADDRESS (Business Address Acceptable)
1438 Webster Street, Oakland

BUSINESS ACTIVITY, IF ANY, OF SOURCE
non-for-profit health promotion

YOUR BUSINESS POSITION
Member, Board of Directors

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment Partnership
 Sale of _____
(Real property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more
 Other Board fees
(Describe)

2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER	INTEREST RATE	TERM (Months/Years)
_____	_____ % <input type="checkbox"/> None	_____
ADDRESS (Business Address Acceptable)	SECURITY FOR LOAN	
_____	<input type="checkbox"/> None <input type="checkbox"/> Personal residence	
BUSINESS ACTIVITY, IF ANY, OF LENDER	<input type="checkbox"/> Real Property _____	<small>Street address</small>
_____		_____
HIGHEST BALANCE DURING REPORTING PERIOD	<input type="checkbox"/> Guarantor _____	<small>City</small>
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> \$1,001 - \$10,000		<small>(Describe)</small>
<input type="checkbox"/> \$10,001 - \$100,000		
<input type="checkbox"/> OVER \$100,000		

Comments: _____

**SCHEDULE D
Income - Gifts**

CALIFORNIA FORM 700 <small>FAIR POLITICAL PRACTICES COMMISSION</small>
Name
Michael V. Drake

▶ NAME OF SOURCE (Not an Acronym)
John Croul

ADDRESS (Business Address Acceptable)
PO Box 1287, Santa Ana, CA, 92702

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
02 / 21 / 13	\$ 120.00	Business Dinner
/ /	\$	(incl. Mrs. Drake)
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)
Hazem Chehabi

ADDRESS (Business Address Acceptable)
1605 Avocado, Suite 203, Newport Beach, CA 92660

BUSINESS ACTIVITY, IF ANY, OF SOURCE
UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
02 / 21 / 13	\$ 40.00	Business Lunch
12 / 12 / 13	\$ 40.00	Business Lunch
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)
Charles Martin

ADDRESS (Business Address Acceptable)
660 Newport Center Dr., #1220, Newport Beach, CA

BUSINESS ACTIVITY, IF ANY, OF SOURCE
UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
02 / 19 / 13	\$ 100.00	Business Dinner
07 / 11 / 13	\$ 200.00	Dinner(incl.Mrs.Drake)
07 / 23 / 13	\$ 100.00	Business Dinner

▶ NAME OF SOURCE (Not an Acronym)
James Mazzo

ADDRESS (Business Address Acceptable)
32 Discovery, Suite 200, Irvine, CA 92618

BUSINESS ACTIVITY, IF ANY, OF SOURCE
UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
04 / 02 / 13	\$ 160.00	Dinner(incl.Mrs.Drake)
/ /	\$	
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)
Geoffrey Stack

ADDRESS (Business Address Acceptable)
18802 Bardeen Ave., Irvine, CA 92612

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
08 / 14 / 13	\$ 100.00	Dinner(incl.Mrs.Drake)
/ /	\$	
/ /	\$	

▶ NAME OF SOURCE (Not an Acronym)
James Swinden

ADDRESS (Business Address Acceptable)
18881 Von Karman Ave., #1275, Irvine, CA, 92612

BUSINESS ACTIVITY, IF ANY, OF SOURCE
UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
03 / 22 / 13	\$ 100.00	Dinner(incl.Mrs.Drake)
/ /	\$	
/ /	\$	

Comments: _____

**SCHEDULE D
Income – Gifts**

CALIFORNIA FORM 700 <small>FAIR POLITICAL PRACTICES COMMISSION</small> Name <u>Michael V. Drake</u>

▶ NAME OF SOURCE (Not an Acronym)
Thomas Tierney

ADDRESS (Business Address Acceptable)
2802 Dow Ave., Tustin, CA, 92780

BUSINESS ACTIVITY, IF ANY, OF SOURCE
UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>10 / 03 / 13</u>	<u>\$ 60.00</u>	<u>Business Dinner</u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

Comments: _____

Exhibit B

Michael V. Drake, Form No. OEC-2013, Financial Disclosure Statement, submitted to the Ohio Ethics Commission, September 29, 2014.

As provided by the Ohio Ethics Commission to Relator on Oct. 26, 2015 in Respondent Ohio Ethics Commission's Motion to Dismiss Relator's First Amended Complaint for Writ of Mandamus and Memorandum of Support, Exhibit A.

Only Oct. 26, 2015 cover letter from Stacy Hysell and Exhibit A included here.

Michael T. McKibben

From: Stacey Hysell <Stacey.Hysell@ohioattorneygeneral.gov>
Sent: Monday, 26 October, 2015 4:17 PM
To: Michael J. Hendershot; mmckibben@leader.com
Cc: Hilary R. Damaser; Richard M. Jones
Subject: Corrected Motion to Dismiss
Attachments: OEC_s Corrected Motion to Dismiss.pdf

Attached please find OEC's corrected Motion to Dismiss, which adds Exhibit A. Thank you.



Stacey Hysell
Administrative Secretary - Executive Agencies
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-4540
Fax number: 614-728-9470
Stacey.Hysell@OhioAttorneyGeneral.gov

Confidentiality Notice: This message is intended for use only by the individual or entity to whom or which it is addressed and may contain information that is privileged, confidential and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone.



Form No. OEC-2013
 OHIO ETHICS COMMISSION
FINANCIAL DISCLOSURE STATEMENT

13

This statement is to be filed in 2014
 Financial information for calendar year 2013

Please type or print clearly. See instructions for assistance with this page.

SECTION A. PERSONAL CONTACT INFORMATION

Last Name: First Name: MI:

SECTION B. STATUS (Check all that apply)

Candidate
 Write-in Candidate
 Elected to an office
 Appointed to an unexpired term in elective office
 Public Official
 Public Employee
 Voluntary Filer

CANDIDATES: Please list the date of the first election (primary, special, or general) when your name will appear on the ballot.

Month	Day	Year
		2014

FOR OFFICIAL USE ONLY

FILED
SEP 29 2014
 OHIO ETHICS COMMISSION

SECTION C. PUBLIC POSITION, OFFICE, OR JOB

Position/Title (Example: council member, sheriff, board member, or job title): Seeking Hold Held

Public Entity you serve in 2014, served in 2013, or will serve if elected:

Public Salary: Uncompensated Less than \$16,000 \$16,000 or more

Start Date:

Month	Day	Year
06	30	2014

 End Date:

Month	Day	Year

SECTION D. ADDITIONAL PUBLIC POSITION, OFFICE, OR JOB

Position/Title (Example: council member, sheriff, board member, or job title): Seeking Hold Held

Public Entity you serve in 2014, served in 2013, or will serve if elected:

Public Salary: Uncompensated Less than \$16,000 \$16,000 or more

Start Date:

Month	Day	Year

 End Date:

Month	Day	Year

RECEIVED
 OHIO ETHICS COMMISSION
 2014 SEP 29 A 10:23

FOR OHIO ETHICS COMMISSION USE ONLY

Walk-in
 Inter Office
 No Check
 Rev'd by: JR

Filer has answered every required question.
 Filer has not answered these questions:

Date incomplete form returned to filer: _____
 Date completed form returned to OEC: _____

1. SOURCES OF INCOME - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 4)

I have no sources of income that I am required to list.

Source of Income	Service Provided	Amount
A Bank of the West	Savings and checking accounts-interest	
B Bank of the West IRA	Retirement savings	
C Bank of the West Investment / Mutual Funds	Retirement savings	
D Wells Fargo	Savings and checking accounts-interest	less than \$50
E University of California-Irvine	Employment-Chancellor	
F See attached State of California Form 700		

2. SOURCES OF GIFTS - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 5)

I have no sources of gifts that I am required to list.

Source of Gift	Source of Gift
A See attached State of California Form 700	D
B	E
C	F

3. NAMES OF SPOUSE RESIDING IN HOUSEHOLD AND ANY DEPENDENT CHILDREN - ALL FILERS MUST ANSWER THIS QUESTION:

There are no immediate family members whose names I am required to list.

(For help, see instructions page 5)

Husband/Wife Residing in Household	Dependent Children
Brenda Jackson Drake	
Dependent Children	
N/A	

4. NAMES OF BUSINESSES - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 5)

If you or anyone you listed in Question 3 owns or operates a business, list the name of the business.

There are no business names that I am required to list.

Business Name	Business Name
A	C
B	D

5. LAND (REAL ESTATE) IN OHIO - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6)

I have no real estate that I am required to list.

Land (Real Estate) in Ohio (List address or, if address is unavailable, plat number and county)
A
B
C
You are not required to disclose your personal residence or real property held primarily for personal recreation.

6. CREDITORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6)

I have no creditors that I am required to list.

Creditor	Creditor
A	D
B	E
C	F

7. DEBTORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6)

I have no debtors that I am required to list.

Debtor	Debtor
A	C
B	D

8. INVESTMENTS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 6 and 7)

I have no investments that I am required to list.

Corporation, Trust, Business Trust, Partnership, or Association	Nature of Investment
A Bank of the West Mutual Fund/Investment Account	Retirement
B Bank of the West IRA	Retirement
C	
D	
E	
F	
IF YOU NEED ADDITIONAL SPACE, PLEASE ATTACH A SEPARATE SHEET.	

9. OFFICES/FIDUCIARY RELATIONSHIPS - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions page 7)

I have no offices or fiduciary relationships that I am required to list.

Corporation, Trust, Business Trust, Partnership, or Association	Office or Nature of Relationship
A See attached State of California Form 700 and supplemental list	
B	

SKIP QUESTIONS 10 AND 11 IF YOU ARE A:

- College or university trustee
- Candidate for a city, township, school district, or ESC position that is paid less than \$16,000 a year
- City, township, school district, ESC, or sanitary district official or employee serving in a position that is paid less than \$16,000 a year

10. FOOD OR BEVERAGES - SKIP THIS QUESTION IF LISTED IN BOX ABOVE:

(For help, see instructions page 8)

I have no sources of meals, food, or beverages that I am required to list.

Source of Food or Beverages	Source of Food or Beverages
A	C
B	D

11. TRAVEL EXPENSES - SKIP THIS QUESTION IF LISTED IN BOX ON PAGE 3:

(For help, see instructions page 8)

I have no sources of travel expenses that I am required to list.

Source of Travel Expenses	Amount
A	
B	
C	
D	
E	
F	

12. NON-DISPUTED INFORMATION - ALL state employees, state officials and state board and commission members (except college and university trustees) are REQUIRED to answer Question 12. All other filers should skip this question and go to question 13.

(For help, see instructions page 9)

I have no information that I am required to list.

Non-Disputed Information
A
B

13. SIGNATURE - ALL FILERS MUST SIGN THE STATEMENT:

(For help, see instructions page 9 and 10)

By signing this statement:

- I swear or affirm that this statement and any additional attachments have been prepared or carefully reviewed by me, and constitute my complete, truthful, and correct disclosure of all required information, and that the address listed on page 1 is a correct mailing address.
- I acknowledge and understand that, among other potential violations and penalties, knowingly filing a false statement is a criminal misdemeanor of the first degree, in violation of Sections 102.02(D) and 2921.13(A)(7) of the Revised Code, punishable by a fine of not more than \$1,000, imprisonment of not more than six months, or both.
- I acknowledge and understand that filing a false statement may be grounds for removal from public office or dismissal from public employment pursuant to Sections 3.04 and 124.34 of the Revised Code.
- I acknowledge that, in 2013, I served in, or in 2014, I am serving in or a candidate for, the position indicated on page 1 of this statement.

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My filing fee is:

(For help, see instructions page 2)

- Enclosed (check or money order payable to "Ohio Ethics Commission")
- Submitted Online
- My public agency is required or has agreed to pay my filing fee.

YOUR SIGNATURE IS REQUIRED HERE:



Date: 9/22/2014

Rev'd 12.30.13

2013 Offices and Fiduciary Relationships

Michael V. Drake, MD

<u>Corporation/Not for Profit</u>		<u>Relationship</u>
Association of American Universities (AAU)		Board Member
Blue Ridge Academic Health Group		Board Member
University of California Global Health Institute		Board Member
California HealthCare Foundation		Board Member
California HealthCare Institute		Board Member
The Commonwealth Fund		Board Member
NCAA Division I		Board Member



STATEMENT OF ECONOMIC INTERESTS
COVER PAGE

Date Received

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)
Drake Michael V.

1. Office, Agency, or Court

Agency Name (Do not use acronyms)
University of California
Division, Board, Department, District, if applicable
Irvine Campus
Your Position
Chancellor

If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

- State
Multi-County
City of
Judge or Court Commissioner (Statewide Jurisdiction)
County of
Other

3. Type of Statement (Check at least one box)

- Annual: The period covered is January 1, 2013, through December 31, 2013.
Leaving Office: Date Left
The period covered is January 1, 2013, through the date of leaving office.
Assuming Office: Date assumed
The period covered is through the date of leaving office.
Candidate: Election year and office sought, if different than Part 1:

4. Schedule Summary

- Schedule A-1 - Investments - schedule attached
Schedule A-2 - Investments - schedule attached
Schedule B - Real Property - schedule attached
Schedule C - Income, Loans, & Business Positions - schedule attached
Schedule D - Income - Gifts - schedule attached
Schedule E - Income - Gifts - Travel Payments - schedule attached
None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE Z P CODE
(Business or Agency Address Recommended - Public Document)

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 4/1/14
(month, day year)

Signature Michael V. Drake
File the originally signed statement with your filing official

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name
 Michael V. Drake

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
 Gilead Sciences

ADDRESS (Business Address Acceptable)
 333 Lakeside Drive, Foster City CA

BUSINESS ACTIVITY, IF ANY, OF SOURCE
 medical research and development

YOUR BUSINESS POSITION
 Member, Health Policy Advisory Board

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment Partnership
 Sale of _____
(Real property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more

Other Board fees
(Describe)

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
 Glaucoma Research and Education Group

ADDRESS (Business Address Acceptable)
 55 Stevenson Street, San Francisco

BUSINESS ACTIVITY, IF ANY, OF SOURCE
 non-profit research and education

YOUR BUSINESS POSITION
 Speaker

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment Partnership
 Sale of _____
(Real property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more

Other Speaking fee
(Describe)

2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER:

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

HIGHEST BALANCE DURING REPORTING PERIOD
 \$500 - \$1,000
 \$1,001 - \$10,000
 \$10,001 - \$100,000
 OVER \$100,000

INTEREST RATE TERM (Months/Years)

_____ % None _____

SECURITY FOR LOAN
 None Personal residence
 Real Property _____
Street address

City
 Guarantor _____
 Other _____
(Describe)

Comments: _____

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION Name Michael V. Drake

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
 Bank of the West / BancWest

ADDRESS (Business Address Acceptable)
 180 Montgomery Street, San Francisco

BUSINESS ACTIVITY, IF ANY, OF SOURCE
 banking

YOUR BUSINESS POSITION
 Member, Board of Directors

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment Partnership
 Sale of _____
(Real property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more

Other Board fees
(Describe)

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
 California HealthCare Foundation

ADDRESS (Business Address Acceptable)
 1438 Webster Street, Oakland

BUSINESS ACTIVITY, IF ANY, OF SOURCE
 non-for-profit health promotion

YOUR BUSINESS POSITION
 Member, Board of Directors

GROSS INCOME RECEIVED
 \$500 - \$1,000 \$1,001 - \$10,000
 \$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED
 Salary Spouse's or registered domestic partner's income
 Loan repayment Partnership
 Sale of _____
(Real property, car, boat, etc.)
 Commission or Rental Income, list each source of \$10,000 or more

Other Board fees
(Describe)

2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

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NAME OF LENDER	INTEREST RATE	TERM (Months/Years)
_____	_____ % <input type="checkbox"/> None	_____
ADDRESS (Business Address Acceptable)	SECURITY FOR LOAN	
_____	<input type="checkbox"/> None <input type="checkbox"/> Personal residence	
BUSINESS ACTIVITY, IF ANY, OF LENDER	<input type="checkbox"/> Real Property _____	<small>Street address</small>
_____		_____
HIGHEST BALANCE DURING REPORTING PERIOD	<input type="checkbox"/> Guarantor _____	<small>City</small>
<input type="checkbox"/> \$500 - \$1,000	<input type="checkbox"/> Other _____	_____
<input type="checkbox"/> \$1,001 - \$10,000		<small>(Describe)</small>
<input type="checkbox"/> \$10,001 - \$100,000		
<input type="checkbox"/> OVER \$100,000		

Comments: _____

**SCHEDULE D
Income - Gifts**

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION Name Michael V. Drake

▶ NAME OF SOURCE (Not an Acronym)
John Croul
 ADDRESS (Business Address Acceptable)
PO Box 1287, Santa Ana, CA, 92702
 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>02 / 21 / 13</u>	<u>\$ 120.00</u>	<u>Business Dinner</u>
<u> / / </u>	<u>\$ </u>	<u>(incl. Mrs. Drake)</u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)
Hazem Chehabi
 ADDRESS (Business Address Acceptable)
1605 Avocado, Suite 203, Newport Beach, CA 92660
 BUSINESS ACTIVITY, IF ANY, OF SOURCE

UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>02 / 21 / 13</u>	<u>\$ 40.00</u>	<u>Business Lunch</u>
<u>12 / 12 / 13</u>	<u>\$ 40.00</u>	<u>Business Lunch</u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)
Charles Martin
 ADDRESS (Business Address Acceptable)
660 Newport Center Dr., #1220, Newport Beach, CA
 BUSINESS ACTIVITY, IF ANY, OF SOURCE

UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>02 / 19 / 13</u>	<u>\$ 100.00</u>	<u>Business Dinner</u>
<u>07 / 11 / 13</u>	<u>\$ 200.00</u>	<u>Dinner(incl.Mrs.Drake)</u>
<u>07 / 23 / 13</u>	<u>\$ 100.00</u>	<u>Business Dinner</u>

▶ NAME OF SOURCE (Not an Acronym)
James Mazzo
 ADDRESS (Business Address Acceptable)
32 Discovery, Suite 200, Irvine, CA 92618
 BUSINESS ACTIVITY, IF ANY, OF SOURCE

UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>04 / 02 / 13</u>	<u>\$ 160.00</u>	<u>Dinner(incl.Mrs.Drake)</u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)
Geoffrey Stack
 ADDRESS (Business Address Acceptable)
18802 Bardeen Ave., Irvine, CA 92612
 BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>08 / 14 / 13</u>	<u>\$ 100.00</u>	<u>Dinner(incl.Mrs.Drake)</u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

▶ NAME OF SOURCE (Not an Acronym)
James Swinden
 ADDRESS (Business Address Acceptable)
18881 Von Karman Ave., #1275, Irvine, CA, 92612
 BUSINESS ACTIVITY, IF ANY, OF SOURCE

UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
<u>03 / 22 / 13</u>	<u>\$ 100.00</u>	<u>Dinner(incl.Mrs.Drake)</u>
<u> / / </u>	<u>\$ </u>	<u> </u>
<u> / / </u>	<u>\$ </u>	<u> </u>

Comments: _____

SCHEDULE D Income - Gifts

CALIFORNIA FORM 700 <small>FAIR POLITICAL PRACTICES COMMISSION</small>
Name Michael V. Drake

▶ NAME OF SOURCE (Not an Acronym)
Thomas Tierney

ADDRESS (Business Address Acceptable)
2802 Dow Ave., Tustin, CA, 92780

BUSINESS ACTIVITY, IF ANY, OF SOURCE
UCI Foundation Trustee

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)
10 / 03 / 13	\$ 60.00	Business Dinner

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)

▶ NAME OF SOURCE (Not an Acronym)

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy)	VALUE	DESCRIPTION OF GIFT(S)

Comments: _____

Exhibit C

BancWest Investment Services. Corporate Website. Accessed ca. Oct. 11, 2014.
<https://www.bankofthewest.com/personal-banking/investments/mutual-fund-center.html>

MUTUAL FUND CENTER

The Benefits of Mutual Funds

Mutual funds give you the opportunity to own a percentage of each fund's entire holdings—stocks, bonds or other investments—in a single purchase. They can help diversify your portfolio and may lower potential risk. Their investment strategies range from aggressive to conservative, making it easier to find the right match for your portfolio.

The Benefits of Mutual Funds at BancWest Investment Services

We have an extensive list of no-load mutual funds from a variety of fund families, a host of tools and resources and ongoing professional guidance, if you need it.

Invest with us and enjoy:

- A continually expanding selection of funds.
- Potentially lower expenses with our variety of no-load, no-transaction-fee funds.
- A selection of target date funds,¹ which may be ideal for investors just starting to save for retirement.
- Convenient access to online tools to help you make informed decisions.

Streamline your search with our [Mutual Fund Screener](#) to quickly find the funds that match your goals. Here's what you can do:

- Find funds according to category, fees, ratings and more.
- Create and save custom screens based on your investing ideas.

Identify the right funds for your portfolio with BancWest Top PicksSM

- View a researched list of ETFs and no-load, no-transaction fee mutual funds powered by Morningstar[®]
- Select funds by asset class to meet your investment objectives

Find information on specific funds in our Morningstar[®] Mutual Fund Report.

[Review our current list of fund families²](#)

Related Articles

[What is a Mutual Fund? \(PDF\)](#)

[Mutual Funds: NAV, Yield, Total Return \(PDF\)](#)

[5 Questions to Ask Before You Buy a Mutual Fund \(PDF\)](#)

[Methods for Investing in a Mutual Fund \(PDF\)](#)

For more tips and information, visit [Investor Education](#).

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¹Investing in target date funds involves some level of risk, regardless of the allocation. Evaluate if such investment is suitable depending on your risk tolerance, current and future financials, and overall account holdings. Not all target date funds are created equal, as two similar funds may have different glide paths. Also, be aware that even though a target date fund discloses its investments and how the investment mix will shift over time, the fund manager can make changes, even if those changes create more risk, regardless of the fluctuating price levels. Investors should consider their ability to continue purchases through periods of varying price levels or changing economic conditions as opposed to low price levels. Such a plan does not assure a profit and does not protect against loss in declining markets.

²This list of mutual funds may not be all-inclusive and is subject to change, as funds and fund families may be added or removed at the discretion of BancWest Investment Services. This list is an illustrative sample of the fund families that are available on the BancWest Online Investing platform and is not a solicitation or an endorsement to buy or sell any specific fund family or mutual fund.

³Opening a Bank of the West Premier Checking account requires a minimum opening deposit of \$500. The \$30 monthly service charge will be waived for your first two (2) statement cycles and may be waived thereafter when you maintain at least \$75,000 combined average monthly balance per statement cycle in this Bank of the West Premier Checking account plus other eligible personal Bank checking, money market, savings, CDs, and IRAs, and prior end-of-month account balances in eligible BancWest Investment Services investment accounts. Deposit and loan products are offered by Bank of the West. Member FDIC. Equal Housing Lender.

Fifteen (15) \$0 commission order executions for equities and Exchange-Traded Funds ("ETFs") per calendar month, per account (\$6.95 order executions thereafter), for self-directed orders placed via the BancWest Investment Services online platform, subject to certain terms and conditions and additional fees (please refer to <https://www.bankofthewest.com/personal-banking/investments/self-directed-investor.html>) for further details about self-directed investing available through BancWest Investment Services). If an order placed via the online platform is executed over multiple days, each day's executions for that order will be counted separately and applied against the remaining available \$0 commission order executions available that month.

Morningstar Associates, LLC ("Morningstar") is a registered investment advisor and wholly owned subsidiary of Morningstar, Inc. The mutual funds and exchange-traded funds selected by Morningstar for the BancWest Top PicksSM Lists have been derived from a universe of funds made available through the Pershing platform offered by BancWest Investment Services, Inc. The Top Picks Lists represent what Morningstar Associates believes to be the best available funds in each category from the universe of no-load, no-transaction fee mutual funds open to new investors available on the Pershing platform with a minimum investment of less than \$10,000. The universe does not include all funds available in the marketplace. Both the universe of funds included on the Pershing platform and the Top Picks Lists are subject to change without notice. Particular funds on the Top Picks Lists may not be appropriate for all investors, and there may be other funds or investment options that are more suitable. Morningstar may have more favorable opinions of certain funds which are not included in the universe of funds made available through the Pershing platform. Morningstar's selections are based on qualitative factors and quantitative analysis in addition to the judgment of Morningstar analysts. Morningstar is not acting in the capacity of advisor to individual investors. The Morningstar name and logo are registered marks of Morningstar, Inc. Morningstar is not affiliated with BancWest Investment Services, Inc.

Mutual Fund Families

Aberdeen	Domini	Lazard	RiverPark
Advisors Inner Circle	DoubleLine	Legg Mason	Royce
Akre	Dreyfus	Loomis Sayles	Schroder
Alger	DWS	Managers	ScoutSelected
Allianz	Emerald	Manning & Napier Smead	
American Beacon	Federated	Matthews	SSgA
American Century	Fidelity	Merger	Stratton
Ariel	FMI	Metropolitan	TCW Galileo
Artio	FPA	Morgan Stanley	Third Avenue
Artisan	Gabelli	Muhlenkamp	Thomas White
Aston	Glenmede	Munder	TIAA CREF
Baird	Greenspring	Neuberger Berman	Tocqueville
Baron	Guinness Atkinson	Nicholas	Touchstone
BlackRock	Guggenheim	Northern	T Rowe Price
BMO	Harbor	Oak	Turner
Brandes	Harding Loevner	Oakmark	Value Line
Brown	Heartland	OCM Gold	Vanguard
Buffalo	Henderson	Osterweis	Wall Street
Burnham	Hennessy	Paradigm	Wasatch
Calvert	Hodges	Parnassus	WBI
Can SLIM	Hussman	PAX	Weitz
Capital Advisors	ICON	Permanent	Wells Fargo
Causeway	Intrepid	Perritt	Advantage
Chase	Jacob	PIA	Westcore
CNI/Rochdale	James	PIMCO	Westport
Cohen & Steers	Janus	PRIMECAP	William Blair
Cullen	Jensen	Odyssey	Wilshire
Dodge & Cox	J.P. Morgan	Rainier	Yachtman

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INVESTING RESOURCES

Enjoy access to our premium tools and comprehensive research to help you easily find the right investments for your portfolio.



Specialized Tools for Smart Investing

With your BancWest Investment Services account, you'll enjoy access to a robust selection of tools and resources.

Retirement Income Calculator

Create your retirement plan with this helpful calculator that gives you a view of your retirement savings balance, withdrawals for each year and more.

Here's a sample selection of other tools that you'll be able to use once you have a BancWest Investment Services account:

Investment Goal Calculator

Enter an initial investment amount, the number of years you'll be saving, and a few other criteria to find out how much you may need to save to reach your goal.

Asset Allocator

Determine the mix of stocks, bonds and cash that meets your requirements, such as your risk tolerance, current assets and annual savings.

Screeners

Find mutual funds, exchange-traded funds (ETFs) and stocks according to your preferences, including performance, fundamentals and risk.

Comprehensive Company Profiles

Get quotes, recent news, earnings, analyst reports, financials and other information on companies listed on the major stock exchanges.

BancWest Top PicksSM

Take the guesswork out of finding the right funds for your portfolio with our researched list of ETFs and no-load, no-transaction fee mutual funds powered by Morningstar[®]



Enjoy integrated online investing and banking

Easily view and manage your investment and Bank of the West accounts² online from a single screen.

Review these Additional Resources

For more tips and information on investing and trading, visit Investor Education.

Not sure what a specific financial term means? Go to Frequently Used Financial Terms.

To download and print account applications and other forms, go to our Forms page.

¹Opening a Bank of the West Premier Checking account requires a minimum opening deposit of \$500. The \$30 monthly service charge will be waived for your first two (2) statement cycles and may be waived thereafter when you maintain at least \$75,000 combined average monthly balance per statement cycle in this Bank of the West Premier Checking account plus other eligible personal Bank checking, money market, savings, CDs, and IRAs, and prior end-of-month account balances in eligible BancWest Investment Services investment accounts. Deposit and loan products are offered by Bank of the West. Member FDIC. Equal Housing Lender.

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²Deposit and loan products offered by Bank of the West, member FDIC.

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BancWest Investment Services is a wholly owned subsidiary of Bank of the West and a part of the Wealth Management Group. BancWest Corporation is the holding company for Bank of the West. BancWest Corporation is a wholly owned subsidiary of BNP Paribas.

This is not an offer or solicitation for brokerage services, investment advisory services, or other products or services where we are not authorized to do business or where such offer or solicitation is contrary to the securities laws or other local laws and regulations of that jurisdiction.

Investment and Insurance products:

NOT FDIC INSURED	NOT BANK GUARANTEED	MAY LOSE VALUE	NOT A DEPOSIT	NOT INSURED BY ANY FEDERAL GOVERNMENT AGENCY
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WHAT KIND OF INVESTOR ARE YOU?

Invest the Way that Works Best for You

Whether you like to do your own online investing or prefer the guidance of an experienced professional, BancWest Investment Services offers a wide range of options to help you achieve your financial goals.

Self-Directed Investor

- You're comfortable doing your own investment planning and portfolio management.
- You consistently review your portfolio.
- You prefer doing your own market research.
- Execute your own trades.

[Learn more about self-directed investing >](#)

Advisor-Assisted Investor

- You want professional help with investment planning and portfolio management.
- You prefer to have a professional assist you with regularly tracking your portfolio.
- You want professional research and guidance on investment options.
- You prefer that a professional help implement your investment strategy.

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Related Articles

[Stocks vs. Other Investments \(PDF\)](#)

[Stocks and Taxes \(PDF\)](#)

[Mutual Funds or ETFs: Which to Choose \(PDF\)](#)

[Investing for the Long Run \(PDF\)](#)

For more tips and information on investing and trading, visit [Investor Education](#).

¹Deposit and loan products offered by Bank of the West, member FDIC.

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Mutual Funds or ETFs--Which to Choose?

Traditional open-end mutual funds have long been the staple of many investors' portfolios. Over the past 20 years, however, an alternative has emerged--exchange-traded funds. While ETFs have been around since the early 1990s, their popularity has soared in recent years, and they are being used by more and more brokers and financial advisors. In addition, ETFs are popping up in company retirement plans.

ETFs, like conventional mutual funds, hold a basket of securities (stocks or bonds). The primary difference is how the investor buys and sells his or her shares. Whereas investors in conventional mutual funds buy their shares from a fund company and sell them back to the fund shop when they want to redeem, investors buying or selling ETF shares must trade with other investors in the market, much as they would do if they want to buy or sell shares of Microsoft. For that reason, individual investors must use a broker when they want to buy and sell ETF shares.

As the name suggests, exchange-traded funds are priced and traded on an exchange (for example, NYSE or Nasdaq) throughout the day just like stocks. In contrast, traditional mutual funds' prices are set once a day (usually 4 p.m. Eastern) and investors must place their orders before that time in order to get that day's price. Also unlike mutual funds, you can do just about anything with ETF shares that you can with a stock, including setting market and limit orders, shorting, and buying on margin.

So, how do you tell whether an ETF or a conventional mutual fund is best for you? Here are some things to consider:

What You Want to Invest In

ETF providers have increasingly aimed to provide funds for investors looking to invest in a narrow market segment. The ETF universe is flush with funds that focus on a single market sector, industry, or geographic region. Say you favor indexing and want to own a specific corner of the market such as biotech. There may not be many index mutual funds that track those sectors--but there are ETFs that do. Also, there are many more ETFs than funds that track single foreign countries. Exchange-traded funds offer investors a way to invest in a corner of the market without having to load up on just one or two individual stocks (plus, it's more cost-efficient in terms of brokerage commissions).

However, it's also worth noting that narrowly focused funds--whether ETFs or conventional offerings--can be too hot to handle for many investors. That's because investors are often inclined to buy and sell narrowly focused funds at inopportune times, as evidenced by Morningstar Investor Return statistics.

That's not to say that focused ETFs can't be used intelligently, however. For example, ETFs may trade at discounts to the aggregate value of their holdings. If you're inclined to invest in more-focused ETFs, it often makes sense to be a contrarian, not to chase what's been hot recently.

Taxes

ETFs are also structured to shield investors from capital gains better than conventional funds. Currently, nearly all ETFs are index funds, so they typically trade less than most actively

managed funds and should generate fewer taxable capital gains. Also, because most investors buy and sell ETF shares with other investors on an exchange, the ETF manager doesn't have to worry about selling holdings--thereby triggering capital gains--to meet investor redemptions. Moreover, because the big institutions can make share redemptions "in-kind" (rather than redeem shares for cash, the ETF gives the institution a basket of stocks equal in value to the share redemption), ETFs can unload their lowest-cost-basis stocks in the portfolio, thereby reducing their capital gains exposure.

Costs

Because ETFs don't have to manage hundreds of customer accounts or staff call centers, they have lower overhead charges that translate into lower expense ratios. However, you will pay brokerage commissions to buy and sell ETF shares, and the costs of rapid--or even occasional--trading can more than offset the initial advantage of an ETF's lower expense ratio. For those reasons, an ETF will be the most cost-effective choice for those who use discount brokers, invest a large lump sum of money, and are willing to hold the investment for the long term. For others, an exchange-traded fund may not have a big cost advantage over a plain-vanilla, low-cost index fund.

Special Situations

ETFs may also be a suitable option for areas of the market where traditional mutual fund offerings are scarce, expensive, or run by managers with little experience. As in choosing traditional index mutual funds, it's best to evaluate an ETF's fees and the usefulness of the benchmark it tracks before buying in.

You should consider the investment objectives, risks, and charges and expenses of the fund or ETF carefully before investing. This and other information may be found in the prospectus and/or, if available, the summary prospectus. To obtain one, please visit the fund company's website or if you are a BancWest Investment Services client, log in to bankofthewest.com to access online. Always carefully read the prospectus and/or, if available, the summary prospectus carefully before you invest or send money.

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Exhibit D

Bruns, Molly J. (Jun. 08, 2015). RE: Status of Michael V. Drake ethics inquiry? Ohio Ethics Commission.

Michael T. McKibben

From: Bruns, Molly <Molly.Bruns@ethics.state.oh.us>
Sent: Monday, 8 June, 2015 11:40 AM
To: mmckibben@leader.com
Subject: RE: Status of Michael V. Drake ethics inquiry?

Good morning Mr. McKibben -

The Commission has no public records in response to your request. The Commission has no jurisdiction over a public entity's refusal to release public records. Public records disputes can be directed to:

Attorney General of Ohio
(614) 466-4320
www.ag.state.oh.us

or

Ohio Auditor of State
(800) 282-0370
www.auditor.state.oh.us

If you have further questions, please feel free to call me.

Molly

Molly J. Bruns
molly.bruns@ethics.ohio.gov
Investigative Attorney
Ohio Ethics Commission
William Green Building
30 West Spring Street, L3
Columbus, OH 43215-2256
614.466.7090 – Phone
614.466.8368 – Fax
www.ethics.ohio.gov

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From: Michael T. McKibben [mailto:mmckibben@leader.com]
Sent: Friday, May 29, 2015 12:55 PM
To: Bruns, Molly
Subject: RE: Status of Michael V. Drake ethics inquiry?

Hi Molly,

Where are we on obtaining Michael Drake's actual financial holdings disclosure?

Exhibit E

Wadlington, R. (Jun. 26, 2015). Re. Public Records Request # 15-130 (CID # 1075870).
Mike DeWine, Ohio Attorney General.

Michael T. McKibben

From: Rachael A. Wadlington <Rachael.Wadlington@ohioattorneygeneral.gov>
Sent: Friday, 26 June, 2015 4:01 PM
To: mmckibben@leader.com
Cc: Sarah Pierce
Subject: Public Records Request # 15-130 / CID # 1075870
Attachments: 2015 06 26 - Response Letter (PRR # 15-130 _ CID # 1075870).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. McKibben,

Please find attached a letter in response to your June 25, 2015 inquiry.

Sincerely,



Rachael A. Wadlington

Paralegal – Constitutional Offices
Office of Ohio Attorney General Mike DeWine
Office number: 614-466-8486
Fax number: 614-728-7592
rachael.wadlington@OhioAttorneyGeneral.gov

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MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Constitutional Offices Section
Office: (614) 466-2872
Fax: (614) 728-7592

30 East Broad Street, 16th Floor
Columbus, Ohio 43215
www.OhioAttorneyGeneral.gov

June 26, 2015

Via email

Michael McKibben
mmckibben@leader.com

Re: Public Records Request # 15-130 (CID # 1075870)

Dear Mr. McKibben,

On behalf of Ohio Attorney General Mike DeWine, I am writing in response to your June 25, 2015 request for assistance in obtaining a full copy of the annual financial disclosure submitted by Michael V. Drake, President of The Ohio State University. Please note that our office does not possess these documents and is therefore unable to provide you with a copy.

However, the Ohio Attorney General's Office works closely with its clients to ensure that they fully comply with their responsibilities under the Public Records Act. As your request involves potential records of a state agency to which the Attorney General's Office provides legal representation, we have forwarded your information and concerns to the Education Section of our office, which represents The Ohio State University.

If you have any questions or concerns about this response, please feel free to contact the Public Records Unit at 614-466-2872.

Very respectfully yours,

Mike DeWine
Ohio Attorney General

Rachael A. Wadlington

Rachael A. Wadlington
Paralegal - Public Records Unit

cc: Sarah Pierce, Assistant Attorney General

Exhibit F

Crocker, Melissa. (Aug. 28, 2015). Subject: Sunshine Audit.
Ohio Auditor of State Dave Yost.

Notice to Parties (McKibben, M., Bruns, M.). (August 28, 2015).
Sunshine Audit Complaint. David Yost, Ohio Auditor of State.

Michael T. McKibben

From: Melissa J. Crocker <MJCrocker@ohioauditor.gov>
Sent: Friday, 28 August, 2015 1:38 PM
To: mmckibben@leader.com; molly.bruns@ethics.ohio.gov
Cc: Robert R. Hinkle
Subject: Sunshine Audit
Attachments: Melissa J Crocker.vcf; Notice to Parties.pdf

Good Afternoon:

Attached are the findings of the Auditor of State's Office regarding the Sunshine Audit complaint submitted to this office, which you were party to.

Thank you,
Melissa Crocker



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Dave Yost • Auditor of State

August 28, 2015

Michael McKibben
1676 Tendril Court
Columbus, OH 43229
Via email: mmckibben@leader.com

Molly Bruns
30 West Spring Street
Columbus, OH 43215
Via email: molly.bruns@ethics.ohio.gov

RE: Sunshine Audit Complaint

Dear Mr. McKibben and Ms. Bruns:

The Auditor of State may determine, as required by section 117.11 of the Revised Code, whether a public office has complied with all the laws, rules, ordinances, or orders pertaining to the public office. Due to the significant number of public records disputes in Ohio, the Auditor created the "Sunshine Audit" protocol which affords individuals who believe they are aggrieved as the result of a public entity's refusal to release records a mechanism to seek release without the necessity of filing a lawsuit. Upon receipt and review of a properly submitted Sunshine Audit complaint, both parties will be advised via written communication of the final determination of the Auditor of State's Office. In addition, violation of relevant provisions of Ohio's public records law will be referred to audit staff for consideration as part of the next regularly scheduled audit of the public entity. An audit released by this office has the presumption of validity when introduced as evidence.

A person aggrieved by the alleged failure of a public office to comply with an obligation of the Public Records Act may file a mandamus lawsuit against the public office. In any such lawsuit, the requester has the burden of showing that he or she made a proper public records request. In turn, the public office has the burden of showing the court that it complied with its obligation(s) which it is alleged to have violated. If it cannot, the court will order the public office to provide any improperly withheld record(s), and the public office may be subject to a civil penalty and the payment of the requester's attorney fees.

Our office received a complaint from Mr. Michael McKibben. Mr. McKibben asserted that the Ohio Ethics Commission improperly refused to provide him with public records, specifically part of the annual financial disclosure statement of Dr. Michael V. Drake, President of The Ohio State University. The Commission provided a written statement indicating that the Commission

had provided Mr. McKibben with the only financial statement prepared and submitted by Dr. Drake which was in the possession of the Commission at that time.

ORC 149.43(B)(1) provides that,

“Upon request...all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. [U]pon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.”

Based on the information provided by the parties, pursuant to the facts presented, the current state of public records laws, and the scope of the sunshine audit protocol, the Auditor of State finds the Ohio Ethics Commission is not in violation with respect to Ohio’s public records laws as has been alleged and as described above.

Very truly yours,

Dave Yost
Auditor of State



Melissa Crocker
Assistant Legal Counsel

CC: Robert Hinkle, Chief Deputy Auditor